

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION**

BRENDA S. MOORE,

Plaintiff,

vs.

PRUDENTIAL INSURANCE  
COMPANY OF AMERICA

Defendant.

No. 10-CV-1033-LRR

**ORDER**

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The matter before the court is Defendant Prudential Insurance Company of America's "Motion to Dismiss" ("Motion") (docket no. 5).

On October 14, 2010, Plaintiff Brenda S. Moore filed a "Petition at Law and Jury Demand" ("Petition") (docket no. 4) in the Iowa District Court for Dubuque County, case no. LACV056816. On December 16, 2010, Defendant removed the action to this court on the basis of diversity jurisdiction.

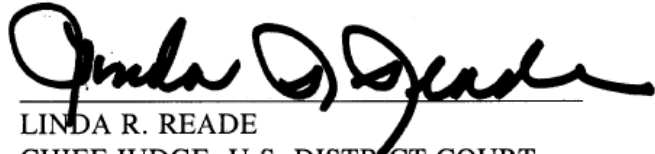
On December 23, 2010, Defendant filed the Motion. On February 28, 2011, Plaintiff filed a Resistance (docket no. 14). On March 3, 2011, Plaintiff filed a "Motion for Leave to Amend Petition" ("Motion to Amend") (docket no. 17). On March 8, 2011, Defendant filed a Response (docket no. 18). On March 11, 2011, United States Magistrate Judge Jon S. Scoles entered an Order (docket no. 20) granting the Motion to Amend. That same date, Plaintiff filed an "Amended Petition at Law and Jury Demand" ("Amended Petition") (docket no. 21).

"It is well-established that an amended complaint supercedes an original complaint and renders the original complaint without legal effect." *In re Wireless Tel. Fed. Cost Recovery Fees Litig.*, 396 F.3d 922, 928 (8th Cir. 2005) (citing *In re Atlas Van Lines, Inc.*, 209 F.3d 1064, 1067 (8th Cir. 2000)). The Motion seeks to dismiss the Petition—not

the Amended Petition. Because the Amended Petition supercedes the Petition and renders it legally ineffective, the Motion is **DENIED AS MOOT**.

**IT IS SO ORDERED.**

**DATED** this 14th day of March, 2011.



LINDA R. READE  
CHIEF JUDGE, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA